

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 2003-326-C and 2003-327-C - ORDER NO. 2003-667

NOVEMBER 7, 2003

IN RE: Analysis of Continued Availability of)	
Unbundled Local Switching for Mass Market)	
Customers Pursuant to the Federal)	
Communication Commission's Triennial)	
Review Order (Docket No. 2003-326-C))	
)	
And)	ORDER SETTING
)	HEARING DATES AND
Continued Availability of Unbundled High)	OPENING DOCKETS
Capacity Loops at Certain Locations and)	
Unbundled High Capacity Transport on)	
Certain Routes Pursuant to the Federal)	
Communication Commission's Triennial)	
Review Order (Docket No. 2003-327-C))	
)	

This matter comes before the Public Service Commission of South Carolina ("Commission") by way of a letter filed jointly by BellSouth Telecommunications, Inc. (BellSouth) and CompSouth¹ on September 10, 2003, requesting the Commission to consider a proposal for scheduling and conduct of the state proceedings required by the Federal Communications Commission ("FCC") in its Triennial Review Order of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers ("TRO").

On August 21, 2003, the FCC released its TRO. Pursuant to the TRO, the FCC, acting under authority of the Federal Telecommunications Act which allows the FCC to

¹ CompSouth is an association of competitive local exchange carriers, and CompSouth's members include: ITC DeltaCom; MCI; Business Telecom Inc.; NewSouth Communications Corp.; AT&T; Nuvox Communications Inc.; Access Integrated Networks, Inc.; Birch Telecom; Talk America; Cinergy Communications Company; Z-Tel Communications; Network Telephone Corp.; Momentum Business Solutions; Covad; KMC Telecom; IDS Telecom and Xspedius Corp.

delegate to the states authority to conduct analyses in accordance with federal guidelines, instructed state commissions to take on some fact finding responsibilities and to undertake analyses set forth in the TRO which will affect incumbent LECs' unbundling obligations for certain elements in particular areas.² Thus pursuant to the FCC's TRO, this Commission's role is a fact-finding role to determine whether impairment exists within the State of South Carolina and within local markets in South Carolina. The TRO further requires that the proceedings covered by the instant Order be concluded within nine (9) months.

BellSouth and CompSouth report in their letter of September 10, 2003, that they have developed a proposal which would allow the state proceedings in the BellSouth nine-state region to occur in a manner that will avoid the inevitable conflicts which would occur if each state independently scheduled their proceedings required by the TRO. To that end, BellSouth and CompSouth propose that the South Carolina hearings required by the TRO be scheduled and held during the week of April 12 - 16, 2004.

Upon consideration of the joint request from BellSouth and CompSouth, the Commission finds the request to schedule the proceedings required by the TRO for the week of April 14 - 16, 2004, to be reasonable. The Commission is aware that scheduling conflicts could arise for the parties as the parties participate in proceedings across the nine-state BellSouth region. Having the parties present to this Commission a mutually agreeable time for the hearings in South Carolina required by the TRO should remedy scheduling conflicts with other states' proceedings. Therefore, the Commission finds that

² The analyses required of state commissions are (1) an analysis of the continued availability of unbundled local switching for mass market customers and (2) an analysis of the continued availability of unbundled high capacity loops at certain locations and unbundled high capacity transport on certain routes.

the proposal of BellSouth and CompSouth to schedule the hearings in South Carolina as required by the TRO for the week of April 12 – 16, 2004, is reasonable.

With the request for the hearing dates, BellSouth and CompSouth also filed a suggested procedural schedule for the filing of testimony, exhibits, briefs, etc. The Commission hereby tentatively approves the proposed schedule for the filing of testimony, exhibits, briefs, etc. However, the Commission retains the right to revisit the schedule and modify that schedule upon request by any party to the proceeding or upon the Commission's own motion. Parties should take note that the Commission will issue a scheduling order at the appropriate time.

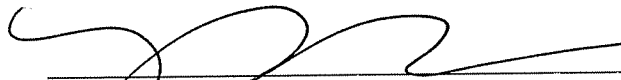
Further, in recognition of the two separate analyses in the nine month proceeding required by the TRO, the Commission directs the Commission Staff to open two (2) separate dockets for these analyses. While it is anticipated that the hearings on the two dockets will be conducted during the same week, we open two separate dockets so that each analysis will have its own record.

IT IS THEREFORE ORDERED THAT:

1. The hearings in the nine (9) month proceedings required by the FCC's TRO will be held during the week of April 12 – 16, 2004.
2. The schedule for the filing of testimony, exhibits, briefs, etc. is tentatively approved but is subject to modification by the Commission upon request by a party or upon the Commission's own motion.

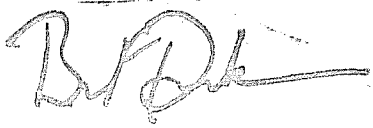
3. The Commission Staff is directed to open two separate dockets for the two separate issues to be examined in these proceedings.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn
Chairman

ATTEST:



Bruce Duke
Deputy Executive Director

(SEAL)